

## PROGRESS OF HEARING

**Government Submits More Than 20,000 Affidavits Charging Assaults by Strikers and Strike Sympathizers on Railroad Workers—Court Admits Affidavits Over Objections by Attorneys for the Strike Leaders—Argument for Modification of the Temporary Restraining Order Was Deferred by Order of Judge Wilkinson.**

Chicago, Sept. 15.—(By The A. P.)—With more than 20,000 affidavits charging assaults by strikers and strike sympathizers on railroad workers in every section of the country, the government today launched its endeavor to prosecute concerted effort by the striking shopcrafts to interfere with interstate traffic by stopping railroad employees from their work.

Overruling the objections of Attorneys for B. M. Jewell and John Scott, the strike leaders, Federal Judge James H. Wilkerson today set aside the affidavits, for the time being at least, in

solicitor-general read nearly 500 of the affidavits telling of assaults in the past today, and announced he would open the reading tomorrow. Judge Wilkerson suggested the opposing attorneys to produce the affidavits in the order of production of the vast majority of the 20,000 to 25,000 exhibits in bulk. Today's exhibits ranged from an affidavit charging a strike leader with railroad employe—with photographs attached—tackled—through bombings, shootings, a temple to run down rosters with automatic weapons, and a list of names of people throwing and even intimidating

The hearing on the government's bill for the arrest of the 150 persons named in the 150-shophopact affidavits will be held at 10 a.m. on their follow-up.

The court likewise deferred, for the present, argument on the defense motion for a writ of habeas corpus, which is restraining order now in force. He ruled that the government's contention that the 150-shophopact affidavits were part of an "overall conspiracy" is the destruction of interstate traffic would be a vital factor in determining whether or not the writ is granted to any modification in the order, and directed the government to proceed with its case on which it expects to prove that claim.

The value, as evidence of the affidavits of persons assaulted by the strikers, was also deferred. The court ruled that affidavits of public or railroad officials claiming knowledge of such assaults, would be admissible in the case of the 150-shophopact affidavits. The court also ruled that the affidavits of Richard, of Chicago, and Frank Mulholland, of Toledo, attorneys for Jewell and the 150-shophopact affidavits, might their introduction and entered a general objection to all of them that the government may produce.

Of their wives and children.

By upholding the government's motion to develop its charge that the paramount purpose of the alleged conspiracy was to destroy the interstate commerce, before the court for modification of the restraining order, Judge Wilkerson cited the recent decision of the U. S. supreme court in the Coronado case, which affirmed the government's right to remove decisions in the retail lumber industry from the jurisdiction of the National Labor Relations Board.

James A. Patten, of Wheat Corners, in the cotton corner case years ago, was cited as authority for the attack on the reading of the affidavits when Judge Wilkerson cited the decision in the case of the 150-shophopact affidavits in the Chicago and Wilmington case, pointing out that the court ruled that the affidavits were admissible to prove any written or spoken word in furtherance of an alleged conspiracy. The mere existence, the court ruled, in the affidavits, of a conspiracy leading to a certain claim of unlawfulness was sufficient proof that a conspiracy was in fact exist.

The affidavits were declared to be "incompetent, irrelevant and immaterial" and they fall, they added, to show any connection between their clients and the perpetrators of the acts of violence complained of.

The alleged acts of violence among 400,000 men on strike are insignificant in themselves, Mr. Richberg declared. They would occur even in an army under military discipline, he said, and he would not wish to see the federal court marshals to deal with such cases yet the existence of the army could not be called a conspiracy because of those "scattered affairs." He characterized the "scattered evils" as "scattered evils of a half true" and denied the influence contained in one of the prosecution's exhibits that trains had been abandoned in the south western desert by their crews.

Blackburn Esterling, assistant to the

**NAUGHTY PLAYS MUST  
FACE "TRIAL BY JURY"**

New York, Sept. 12.—Naughty plays produced on Broadway—whether they be French farces replete with innuendo, German psychological studies, or Russian tales of muzzhiks—will face the American public "trial by jury" under a system of censorship today being set up by the city of New York.

The official censorship commission, headed by John F. Galt, chairman of the city board of education, is expected to announce its findings within a few days.

Managers, actors, authors and reformers pledged abide by the decision of the jury to trial upon the complaint of any theatre-gore. A panel of 260, made up of actors, lawyers, churchmen, writers, editors, and the way we were, and others, has been listed, from which, in the event of a play offending some one's taste, a jury of trustees will be chosen to decide on withdrawal.

Should the decision of the jury be adverse, the play must either be withdrawn or revised. A vote of 3 to 3 is required for withdrawal.

The explorer's whooper Bowdler with MacMillan and his companion, was escorted to the town of his anchorage in Bowdler's first feet. A committee welcome awaited the schooner's arrival in the harbor on a launch and received MacMillan. While the crew of the schooner was being taken to the dock, all then proceeded to the second.

The welcoming exercises were before 3,000 people on the Green front of the First church. The welcome MacMillan left with a party of first

Representative of the five groups have been working on the plan. These groups are:

Augustus Thomas, executive chairman of the Producing Managers' association; Eric Schuler, of the Authors' league; Joseph B. Flickner, representing the larger drama centers; William F. Prineas, president of the Drama League; Frank Gilmore of the Actors' Equity association; and Albert J. Carter, of the Episcopal church. Also present were John S. Macmillan, president of the New York Society for the Sup-

port of the drama, and John Macmillan, for his home in Fresno, where he spends the night. Tomorrow he will leave for Los Angeles to deliver to the schooner of specimens he has brought back. After the Bowdoin men have been into dry-dock for coming out of the water, Prineas will leave for Mass., to attend the international men's race at Gloucester in October.

While Macmillan is not yet in the city, he has been in the city for some time, he expects to return to the Arctic July, sailing from Wicameas in the

**COURT RULES BOOKS ARE NOT TAINTED WITH OBSCENITY**

New York, Sept. 12.—You can't judge a book by its paragraphs when you are trying to decide whether it is tainted with obscenity—you must judge the lot as a whole.

With this opinion, Magistrate Simpson today dismissed complaints by John Sorenson, Society for Human Rights, against the New York State Court Rules books which contain many references to "obscenity."

Commissioner Enright told police officials that all department heads warning them that "the day of such practices is over."

Following the announcement of a series of conferences between Commissioner Enright and United States District Attorney Hayward, the department has issued a statement of co-operation between police officials and the makers and distributors of illicit liquor is said to have been submitted to the United States District Attorney's office.

A letter to the department heads, charged

Suppression of Vice against the publisher of three modern volumes who he contended were "obscene."

The magistrate, in his decision, rejected a supreme court ruling in which it held that even some paragraphs in the Bible were "obscene."

The statute prohibiting indecent and obscene literature.

The magistrate said he had read the three books, the Three Vols. with Mr. Munster found fault: "Canaan Home-Coming," by Arthur S. Miller,

being coughed in general terms.

**RUSSIAN DANCERS WERE REMARRIED IN NEW YORK**

New York, Sept. 12.—(By the P.)—Wladislau Nowicki and Alexandra Witlich danced in to the city clerk's office today and a few moments later danced out again as man and wife.

They are Russian dancers who were married before they left their native land. But they had no documentary evidence to show that they were married.

Washington, Sept. 12.—(By the P.)—The condition of Mrs. Har-

**EXPECT TO BREAK THRU**  
**TO ENTOMBED MINERS FRIDAY**  
Jackson, Calif., Sept. 12.—The will to break through to the trapped miners was strong Thursday, and will find some of the 47 imprisoned miners alive, said Clarence E. Jarvis, a member of the state board of control today after he had made a preliminary survey of the condition of the mine.